

Notice of Allowability

Application No.

10/086,569

Examiner

Toan D. Nguyen

Applicant(s)

DIAZ, RAYMOND

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/31/06.
2. ☒ The allowed claim(s) is/are 10, 12, 23, 25, 33, 38, 46, 48, 54, 56 are renumbered 1-10, respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 2/28/02
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Notice of Informal Patent Application
- ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
- ☐ Examiner's Amendment/Comment
- ☒ Examiner's Statement of Reasons for Allowance
- ☐ Other _____


HUY B. VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

DETAILED ACTION

Allowable Subject Matter

1. The following is an examiner's statement of reasons for allowance:

Regarding to claim 10, the prior art fails to teach a combination of the steps of:
wherein the communication interface circuit is adapted to resend the discovery query if the total number of discovery response messages received does not match the hop count from the discovery response message from the second communication device, in the specific combination as recited in the claim.

Regarding to claim 12, the prior art fails to teach a combination of the steps of:
wherein the communication interface circuit is adapted to resend the discovery query if the number of received discovery response messages does not match the hop count from the discovery response message from the second communication device after a selected waiting period from the time the discovery response message from the second communication device was received, in the specific combination as recited in the claim.

Regarding to claim 23, the prior art fails to teach a combination of the steps of:
wherein the communication interface circuit of the at least one communication device is adapted to resend the discovery query if the number of received discovery response messages does not match the hop count from the discovery response message from one of the at least two terminal communication devices of the communication system, in the specific combination as recited in the claim.

Regarding to claim 25, the prior art fails to teach a combination of the steps of:

wherein the communication interface circuit of the at least one communication device is adapted to resend the discovery query when the number of received discovery response messages does not match the hop count after a selected waiting period from the time the discovery response message from one of the at least two terminal communication devices was received, in the specific combination as recited in the claim.

Regarding to claim 33, the prior art fails to teach a combination of the steps of:
wherein the HDSL communication circuit is adapted to resend the discovery query when the total number of discovery response messages received does not match the hop count from the discovery response message from the second HDSL communication device, in the specific combination as recited in the claim.

Regarding to claim 38, the prior art fails to teach a combination of the steps of:
wherein the HDSL communication interface circuit of the at least one HDSL communication device is adapted to resend the discovery query if the number of received discovery response messages does not match the hop count from the discovery response message from one of the at least two terminal HDSL communication devices of the HDSL communication system, in the specific combination as recited in the claim.

Regarding to claim 46, the prior art fails to teach a combination of the steps of:
resending the discovery query when the number of received discovery response messages does not match the hop count of the discovery response message from the terminal communication device, in the specific combination as recited in the claim.

Regarding to claim 48, the prior art fails to teach a combination of the steps of:
resending the discovery query if the number of received discovery response messages does not match the hop count of the discovery response message from the terminal communication device after a selected waiting period from the time the discovery response message from the terminal communication device was received, in the specific combination as recited in the claim.

Regarding to claim 54, the prior art fails to teach a combination of the steps of:
re-transmitting a discovery query when the number of received discovery response messages does not match the hop count from the discovery response message from the terminal communication device, in the specific combination as recited in the claim.

Regarding to claim 56, the prior art fails to teach a combination of the steps of:
re-transmitting a discovery query when the number of received discovery response messages does not match the hop count from the discovery response message from the terminal communication device after a selected waiting period from the time the discovery response message from the terminal communication device was received, in the specific combination as recited in the claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan D. Nguyen whose telephone number is 571-272-3153. The examiner can normally be reached on M-F (7:00AM-4:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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